

# Sexual Misconduct and Title IX

Coastal Alabama Community College does not tolerate sexual misconduct including but not limited to, sexual harassment, sexual assault, stalking, domestic violence, or dating violence. These behaviors are harmful to the well-being of our community members, the learning/working environment, and collegial relationships among our students, faculty, staff, and visitors. All forms of prohibited conduct under this policy are regarded as serious College offenses, and violations will be subject to appropriate disciplinary action including the possibility of separation from the College. State and federal laws also address conduct that may meet the College's definitions of conduct prohibited under this policy, and criminal prosecution or civil court actions may take place independently of any disciplinary action instituted by the College.

In light of these commitments, the College has adopted this policy, which includes investigation and disciplinary procedures that will be followed in response to allegations of sex or gender discrimination, including sexual misconduct allegations.

## **TITLE IX**

Title IX is a comprehensive federal civil rights law, prohibiting discrimination based on sex or gender in the College's programs and activities. Title IX says:

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."*

In its early years of existence, Title IX was most often known for creating equity in sports programs. Since then, institutions became aware of other forms of gender inequity, most notably instances of sexual misconduct.

The College will respond to complaints or reports about conduct prohibited under this policy with measures designed to stop the behavior, prevent the recurrence of the prohibited conduct, and remediate any adverse effects of such conduct on campus or in College-related programs or activities. Coastal Alabama Community College is committed to providing an inclusive environment, free from sexual and gender-based discrimination.

## **NONDISCRIMINATORY POLICY**

It is the official policy of the Alabama Community College System and Coastal Alabama Community College that no person in Alabama shall, on the grounds of race, color, disability, gender, religion, creed, national origin, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or harassment under any program, activity, or employment.

The College encourages any students or employees who believe that they have been subjected to harassment on the basis of race, color, or national origin, to report the harassment to the College, and note the College's commitment to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.

Any students or employees found to engage in acts of discrimination or harassment on the basis of race, color, or national origin, will be promptly disciplined and may include, if circumstances warrant, suspension or expulsion for said students and employees.

## **TITLE IX COORDINATORS**

Any community member concerned about a Title IX violation should immediately contact the College's Title IX Coordinators:

Dean Vinson Bradley and Dr. Celeste Robertson

Student Judiciary Office

1900 Highway 31 S

Bay Minette, AL 36507

251-580-2103

[Celeste.robertson@coastalalabama.edu](mailto:Celeste.robertson@coastalalabama.edu)

[Vinson.bradley@coastalalabama.edu](mailto:Vinson.bradley@coastalalabama.edu)

The Senior Personnel Officer serves as the Title IX Coordinator for employee complainants. Employee complainants should be directed to the Senior Personnel Officer in person or by campus phone at 251-580-4898.

The Title IX Coordinators will be informed of all complaints or reports of violations of this policy and will oversee the College's centralized response to ensure compliance with Title IX and any other applicable Federal or State statute or regulation related to sexual misconduct on campus.

## **HOW TO FILE A FORMAL COMPLAINT**

Formal complaints should be directed to the Student Judiciary Officer, electronically, in person, by phone, by postal service or electronic mail. Formal complaints can be submitted at 24 hours a day, 7 days a week.

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible to maximize the College's ability to respond promptly and effectively. Complaints and reports may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the respondent is no longer a student or employee at the time of the complaint or report, the College may not be able to take disciplinary action against the respondent, but it will still seek to meet its Title IX obligations by providing support for the complainant and taking steps to end the prohibited behavior, prevent its recurrence, and address its effects. The College shall also reserve the right to consider the complaint if the respondent should ever again attempt to become a student or employee of the College.

## **HOW THE COLLEGE RESPONDS TO A FORMAL COMPLAINT**

### **GRIEVANCE PROCEDURES**

#### **1. SCOPE OF THIS POLICY**

This policy governs the conduct of students, employees, and third parties while participating in any College's educational programs or activities regardless of the physical location of the occurrence, including but not limited to:

- Events occurring while involved in one of the College's educational programs or activities, regardless if determined to be on-campus or off-campus.
- Events occurring during College sponsored events and involving circumstances when the College exercises substantial control over the context of the alleged harassment and the persons accused of committing sexual harassment.
- Events occurring at any property officially recognized by the College or by a college organization or program.

#### **2. PROHIBITED CONDUCT**

**Sexual Harassment-** is determined to be any misconduct on the bases of sex.

At Coastal Alabama Community College, Sexual Harassment can include verbal behavior such as unwanted sexual comments, suggestions, jokes or pressure for sexual favors; nonverbal behavior such as suggestive looks or leering; and physical behavior where such behaviors are severe, offensive, and so severe that it warrants immediate action.

Examples of such behavior include, but are not limited to:

- Quid Pro Quo- offering a benefit in exchange for sexual behaviors
- Unwelcomed Conduct- conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to a College program or activity.

- Sexual Assault, Domestic Violence, Dating Violence, Stalking as defined by the U.S. Department of Justice.

### 3. DEFINITIONS

**Sexual Assault-**The term “sexual assault” includes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**Domestic Violence-**The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence-** The term “Dating violence” covers a variety of actions, and can include physical abuse, physiological and emotional abuse, and sexual abuse. It can also include “digital abuse”, the use of technology, such as smartphones, the internet, or social media, to intimate, harass, threaten, or isolate a victim.

**Stalking-**The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

**Complainant-** A victim who has made a complaint of a violation of this policy, or on whose behalf a complaint was made or disciplinary action was initiated.

**Respondent-**The term respondent refers to the individual(s) who has been accused of prohibited conduct.

**Third-party-** The term third party refers to any individual who is not a College student, a faculty member, or a staff member (e.g., vendors, alumni/ae, or residents). Being a third party does not preclude a person from coverage by this policy, even where the person may not be subject to internal disciplinary action by the College.

**Consent-** the voluntary, informed agreement through words and actions freely given, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts.

### 4. ESTABLISHING CONSENT

**Consent-** In reviewing possible violations of sexual misconduct, the College considers consent as the voluntary, informed, uncoerced agreement through words and actions freely given, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner knowingly, willfully, and affirmatively chooses to participate in the activity.

Consent is not present when physical force is used or there is a reasonable belief of the threat of physical force; when duress is present; when one person overcomes the physical limitations of another person; when the person against whom an action is taken is induced by fraud or deceit; and when a person is incapable of making an intentional decision to participate in a sexual act, which could include instances in which the person lacks the capacity to consent.

Important points regarding consent include:

- Consent to one act does not constitute consent to another act.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- The existence of a prior or current relationship does not, in itself, constitute consent.
- Consent can be withdrawn or modified at any time.
- Consent is not implicit in a person’s manner of dress.
- Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent to any further activity.
- Silence, passivity, or lack of resistance does not necessarily constitute consent.
- Engaging in sexual activity with an individual who is unable to consent constitutes sexual misconduct.

### 5. PRIVACY AND CONFIDENTIALITY

The College is committed to protecting the privacy of all individuals involved in a report of a Title IX violation. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report. Requests for confidentiality may limit the College's ability to conduct an investigation. In some circumstances, the reporting responsibilities of College employees, or the College's responsibility to investigate, may conflict with the preferences of the complainant and/or respondent concerning privacy and confidentiality.

When a report involves suspected abuse of a minor under the age of 18, the College is required by law to notify local law enforcement and the local agency for child protective services.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that does not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant. Any additional disclosure of information related to the complaint or report may be made if consistent with the Family Educational Rights and Privacy Act (FERPA), the Title IX requirements, or other applicable Federal or State laws or regulations.

## **6. COMMUNITY RESOURCES**

Emergency medical assistance and campus safety/law enforcement assistance are available both on and off-campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense.

### **In the event of an emergency, call 911**

#### **Coastal Alabama Campus Police 251-580-2222**

Atmore Police Department: 251-368-9141

Baldwin County Sheriff's Office: 251-937-0202

Bay Minette Police Department: 251-580-2559

Brewton Police Department: 251-867-3212

Clarke County Sheriff's Office: 251-275-8156

Choctaw County Sheriff's Office: 205-459-2166

Escambia County Sheriff's Office, Atmore: 251-368-4779

Escambia County Sheriff's Office, Brewton: 251-867-0304

Fairhope Police Department: 251-928-2385

Gilbertown Police Department: 251-843-2766

Gulf Shores Police Department: 251-968-2431

Jackson Police Department: 251-246-4484

Monroeville Police Department: 251-575-3246

Monroe County Sheriff's Office: 251-575-2963

Thomasville Police Department: 334-636-2174

### **3. Area Hospitals:**

North Baldwin Infirmary, Bay Minette: 251-937-5521

Thomas Hospital, Fairhope: 251-928-2375

South Baldwin Hospital, Foley: 251-949-3400

D.W. McMillan Hospital, Brewton: 251-867-8061

Grove Hill Memorial Hospital, Grove Hill: 251-275-3191

Monroe County Hospital, Monroeville: 251-575-3111

Atmore Community Hospital, Atmore: 251:368-2500

### **Crisis Centers:**

Rape Crisis Center: 251-473-7273 / 251-928-9500: The Center provides immediate medical attention and counseling. This includes the collection of personal physical evidence and a blood test for sexually transmitted diseases. Counseling, on an on-going basis, is available after the incident.

Baldwin Mental Health Crisis Center 251-928-9500

Lighthouse Crisis Hotline 251-947-4393: A Beacon of Hope for Domestic Violence survivors serving Baldwin, Monroe, Conecuh and Escambia Counties in Alabama

Alabama Crime Compensation Commission: 1-800-541-9388

## **7. OPTIONS FOR FILING COMPLAINT**

The College encourages all individuals to report any alleged or suspected violation of this policy to the appropriate Title IX Coordinator and to report potential criminal conduct to law enforcement. Anyone who seeks to make a complaint or report may:

- File a complaint or report with the Title IX Coordinators, thereby invoking the College's internal disciplinary process.
- Contact local law enforcement or the Coastal Alabama Campus Police department to file a criminal complaint.

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue an internal complaint and a criminal complaint). When initiating any of the above, an individual does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during this decision-making process, complainants and other reporting persons are encouraged to seek assistance from support resources.

## **8. INVESTIGATIONS AND DISCIPLINARY PROCEDURES IN GENERAL FOR THIS POLICY**

The College is committed to providing a prompt and impartial investigation of all alleged violations of this policy. During the disciplinary process, both parties (complainant and respondent) have equivalent rights, including the opportunity to present evidence, to be accompanied by an adviser of their choice, and to appeal. The College will concurrently provide both parties with written notification of the process, outcome, and of any appeal. About any proposed disciplinary action against a student or employee, the action shall be carried out following applicable student or employee disciplinary laws, regulations, policies, and procedures.

1. **Responsibility to Investigate:** To protect the safety of the campus community, the Title IX Coordinators may investigate allegations of violations of this policy even absent the filing of a formal complaint or report, or if a complaint or report has been withdrawn. The Title IX Coordinators may need to proceed with an investigation even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinators will take into account the complainant's articulated concerns, the best interests of the campus community, fairness to all individuals involved, and the College's obligations under Title IX.

This policy differs from Alabama criminal law. Proceedings under this policy may be carried out before, simultaneously with, or following civil or criminal proceedings off-campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

2. **Assessment of Formal Complaints:** The investigative process is initiated when the Title IX Coordinators receive a complaint or report of a violation of this policy. Title IX Coordinators will conduct an initial assessment and notify both the complainant and respondent of the following:
  - Actual allegations: names, dates, location, misconduct resulting in violation
  - Presumption of innocence
  - May secure an advisor of choice
  - Right to review evidence
  - Copy of Code of Conduct
  - Time frames for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings, and any related appeal, apply equally to both complainant and respondent.
3. Following the initial assessment, Title IX Coordinators may dismiss and refer to Student Conduct for review:
  - If the Title IX Coordinators determine that the complaint, even if substantiated, would not meet the definition of sexual harassment.
  - If the Title IX Coordinators determine that the complaint, even if substantiated, did not occur in the United States.
  - If the Title IX Coordinators determine that the complaint is outside the scope of this policy, the Title IX Coordinators may refer the complaint to another office for review.
  - If the complainant withdraws the complaint in writing to the Title IX Coordinator.
  - If the Title IX Coordinators determine that the respondent is no longer employed or enrolled.
  - If the Title IX Coordinators determines that the complaint cannot be substantiated.

If dismissed, the Title IX Coordinators must notify both the complainant and the respondent. The decision to dismiss can be appealed by both parties.

4. **Cooperation with Investigation and Disciplinary Procedures:** Coastal Alabama Community College expects all members of the College community to cooperate fully with the investigation and disciplinary procedures, including the preservation of all material evidence by the alleged victim. The College recognizes that an individual may be reluctant to participate in the process; nevertheless, any student or member of the faculty or staff who refuses to cooperate in an investigation may be subject to discipline. Refusal to cooperate includes delaying or failing to acknowledge requests from College officials for information and delaying or failing to make oneself available for meetings with College officials. It is understood that there may be circumstances in which a complainant wishes to limit their participation. If a respondent chooses not to answer any or all questions in an investigation for any reason, the College process will continue, findings will be reached following the preponderance of evidence standard concerning all available credible evidence in support of or contrary to the alleged conduct, and the College will take such action or actions as are appropriate to findings supported by the evidence. The College will not, however, draw any adverse inference from a respondent's silence.
5. **Consolidation of Investigation:** The Title IX Coordinators have the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others.
6. **Circumstances Relating to Misconduct Affecting Health or Safety:** In connection with this policy, in circumstances seriously affecting the health or well-being of any person, or where physical safety is seriously threatened, or where the ability of the College to carry out its essential operations is seriously threatened or impaired, the president or an authorized representative may summarily suspend, dismiss, or bar any person from the College, subject to a post-action review on the action taken by the College. In all such cases, actions taken will be reviewed promptly, typically within one week, by the appropriate College authority.

## **9. DISCIPLINARY ACTION WHEN THE RESPONDENT IS A STUDENT**

In addition to any criminal or civil actions that may be pending or in process, the College reserves the right to separately pursue appropriate disciplinary action against the respondent(s). Persons found responsible for sexual assault may expect disciplinary actions up to and including dismissal from the College. Policies and procedures contained in the Student Code of Conduct will be followed in all disciplinary procedures.

#### **10. DISCIPLINARY ACTION WHEN THE RESPONDENT IS AN EMPLOYEE**

In addition to any criminal or civil actions that may be pending or in process, the College reserves the right separately to pursue appropriate disciplinary action against the respondent(s). For violations of this policy by faculty or staff members, disciplinary penalties may include (following the employment laws, regulations, and policies governing the employee in question) counseling or training, written warning, formal reprimand, suspension with or without pay, demotion, or termination. The College also reserves the right to place an accused employee on paid administrative leave during the pendency of the investigation and/or hearing of an allegation of a violation of this policy.

#### **11. DISCIPLINARY PROCEDURES WHEN ONE PARTY IS A MEMBER OF THE COLLEGE COMMUNITY AND THE OTHER PARTY IS A NON-MEMBER OF THE COLLEGE COMMUNITY**

When a third party, (i.e., a non-member of our College community) is involved as a complainant or a respondent, the College will use disciplinary procedures that are appropriately modified based on the particular circumstances involved and taking into account privacy requirements and the like. In no case will a member of our community (i.e., current student, faculty member or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the College community.

#### **12. OTHER INVESTIGATION AND RESOLUTION PROCEDURES**

If a complaint or report of conduct prohibited by this policy is made against multiple individuals, an office, or the College in general, the Title IX Coordinators will review the matter and take appropriate action, following this policy. The Title IX Coordinators may conduct an investigation, using investigative and disciplinary procedures that are generally consistent with those stated in this policy, appropriately modified based on the particular circumstances involved.

#### **13. REPORTING AND PRESERVATION OF INFORMATION**

Each respective Title IX Coordinator will be responsible for the preservation of the records involved in every complaint received, and investigation and hearing conducted, under this policy and shall further be responsible for ensuring that all reports are made to such Federal and State agencies as are required to be notified under Title IX and related laws and regulations. In conjunction with ensuring that the required reports are made on a timely basis, the respective Title IX Coordinator shall notify the President of the appropriate reports having been made.